

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #  
DATE FILED

*Hellerstein*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

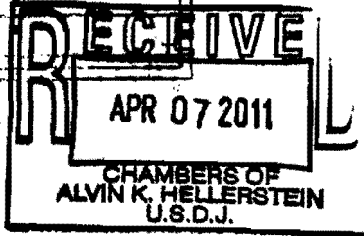
RICHARD CONWAY,

Plaintiff,

- against -

THE CITY OF NEW YORK et al,

Defendant.



10 CV 1430

**PARTIAL STIPULATION OF  
VOLUNTARY DISMISSAL AS  
AGAINST ALL PARTIES PURSUANT  
TO F.R.C.P. 41(A)(1)(A)(II)**


IT IS HEREBY STIPULATED AND AGREED by and between the parties that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. The above-captioned action is voluntarily dismissed pursuant to the following terms and conditions:
2. All claims by Plaintiff RICHARD CONWAY, against all Defendants or against any Defendant arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, are voluntarily dismissed.
3. All claims that were asserted or could have been brought in relation to Plaintiff's existing pleadings are dismissed with prejudice.
4. This dismissal is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over any such later-filed complaint. If after this Stipulation is filed Plaintiff commences an action asserting

such alleged second injury claims against any or all of the entities listed on Exhibit A to the World Trade Center Litigation Settlement Process Agreement, As Amended ("Amended SPA"), such action shall constitute a "New Debris Removal Claim" as defined in the Amended SPA.

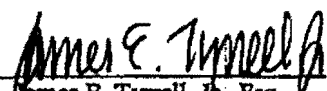
5. The dismissal is without costs.

SULLIVAN PAPAIN BLOCK  
McGRATH & CANNAVO P.C.

By:   
Andrew J. Carboy, Esq.  
RICHARD CONWAY  
120 Broadway, 18<sup>th</sup> Floor  
New York, NY 10271

Dated: April 6, 2011

PATTON BOGGS LLP

By:   
James E. Tyrrell, Jr., Esq.  
Attorneys for all Defendants  
One Riverfront Plaza, Suite 600  
Newark, NJ 07102

Dated: April 6, 2011

**SO ORDERED:**

  
U.S.D.J.

4-9-11

**SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO P.C.**

120 BROADWAY • NEW YORK • NEW YORK 10271

TELEPHONE: (212) 732-9000

FACSIMILE: (212) 266-4141

[SPBMC-NY@TrialLaw1.com](mailto:SPBMC-NY@TrialLaw1.com)

[www.TrialLaw1.com](http://www.TrialLaw1.com)

Robert G. Sullivan  
Nicholas Papain  
Michael N. Block  
Christopher T. McGrath  
Vito A. Cannavo  
John F. Nash  
Frank V. Floriani  
Marie Ng  
Eleni Coffinas

David J. Dean  
Hugh M. Turk  
Albert B. Aquila  
Brian J. Shoot  
Andrew J. Carboy  
Mary Anne Walling  
Eric K. Schwarz  
Elizabeth Montcasmo

PLEASE REPLY TO:

New York City Office

Matthew J. Jones  
Deanne M. Caputo  
Beth N. Jablon  
Liza A. Milgrim  
Susan M. Jaffe  
Donte O. Mills  
Christopher P. Spina  
Jeffrey B. Bromfield  
Wendell Y. Tong

Terrence L. Tarver  
Michael J. Wells  
Clifford S. Argintar  
Thomas J. McMahon  
Holly W. Zappa  
Michael W. Lever  
Lauren M. Pennisi  
Laura M. Schaefer

John M. Tomskey  
George J. Pfleger  
*Counsel to the Firm*

Hon. Joseph N. Giamboni (ret.)  
Stephen C. Glasser  
*Of Counsel*

Author's e-mail address:  
[ACarboy@TrialLaw1.com](mailto:ACarboy@TrialLaw1.com)  
Direct Telephone Line:  
(212) 266-4162  
Private Fax Line:  
(212) 266-4182

April 06, 2011

Honorable Alvin K. Hellerstein  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 910  
New York, New York 10007-1312

**Re: World Trade Center Disaster Site Litigation, 21 MC 100  
Voluntary Stipulation of Discontinuance for Richard Conway**

10 CV 1430

Honorable Sir:

As counsel for plaintiff Richard Conway, we respectfully submit the enclosed voluntary stipulation of dismissal.

Mr. Conway did not opt into the Settlement Process Agreement.

Mr. Conway's action was not previously dismissed for failure to prosecute.

*Page 2 of 2*

No parties will remain in these actions once the stipulation is so-ordered.

Respectfully Submitted,

SULLIVAN PAPAIN BLOCK  
McGRATH & CANNAVO P.C.

By: 

Andrew J. Carboy (AC 2147)

AJC:lm  
(076145)